

“Recently, improvements for the adhesive strip used for Band-Aid RTM have been attempted. These types of medical bandage can be found in prior art patent disclosures shown in U.S. Pat. Nos. Naimer 6,573,419 B2 and Delmore et al. 5,939,339.”

Responses to drawings (detailed actions 2 and 4):

The drawings are objected to because Fig. 2 should be enclosed in brackets since it appears on the same page with other figures. The deficiencies are corrected per recommendations. (See correction 2 for details)

Correction 2:

To correct the deficiency regarding the detailed actions 2 and 4, add brackets to enclose Fig. 2 and label in the top margin as “Replacement Sheet”.

Responses to drawings (detailed action 3):

The drawings are objected to as failing to comply with 37 CFR 1.84(p) (5) because they include the following reference character(s) not mentioned in the description: 13, 14, 17, 18, 19, and 20. To correct the deficiency regarding detailed actions 3, identify reference characters 13, 14, 17, 18, 19, and 20 as shown below. (See correction 3 for details.)

Correction 3:

After “.....insert strip 24” of line 2 in 5th paragraph of DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT on page 8, add following:

, where 17, 18, 19, and 20 are four sides of insert strip 24,

After “.....outer strip 12” of line 3 (prior to above correction) in 5th paragraph of DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT on page 8, add following:

where 13 and 14 are the ends of outer strip 12,

Responses to specification (detailed action 5):

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. To correct the deficiencies regarding detailed action 5, provide proper antecedent basis for the claimed subject matter. (See corrections 4 to 6 for details)

Correction 4:

After “.....strips 11 and 12” of line 2 in 1st paragraph of DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT on old page 6 (new page 7), add following.

permanently and sealing

Correction 5:

At the end of the 1st paragraph of DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT on page 7, add following:

In other words, the first strip maintains its self-adhering capability when wet.

Correction 6:

To second paragraph of DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT on page 7,

after “.....leather” of line 3, add following:

(nature or artificial)

Meanwhile, correct sentence 1 to

The second strip 12 is a cushion strip with non-slip surface and is made of flexible, non-self-adhering material.....

instead of

The second strip 12 is a cushion strip and is made of non-self-adhering material.....

Moreover, remove “base” from old claim 11 (new claim 9) to eliminate un-necessary confusion.

Responses to specification (detailed action 6):

To correct the deficiency regarding detailed action 6, correct typographic error. (See correction 7 for details.)

Correction 7:

Change “Insert 24” to “insert 24” shown in new line 6 of 5th paragraph in DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT section on page 8.

Responses to claim informalities (detailed action 7):

To correct the deficiency regarding detailed action 7, correct typographic error. (See correction 8 for details.)

Correction 8:

Change “fist” to “first” shown in line 3 of old claim 16 (new claim 14).

Responses to claim rejections (detailed action 9):

Claims 1-8, 10, 13-19 and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,049,022. Since the current application is the continuous part of U.S. Patent No. 6,049,022 that was granted to same inventors of the current application, some similarities are expected. However, the main difference is material used for the second (outer) strip. The current application is using non-self-adhering material with non-slip surface instead of self-adhering material in U.S. Patent No. 6,049,022. To further differentiate the current application from the granted U.S. patent no. 6,049,022, specify the second (outer) strip as non-slip, non-self-adhering strip. (See correction 9 for details).

Correction 9:

Claims 9 and 10 are integrated to independent claim 1 to form a new independent claim 1 to differentiate the current application from the granted U.S. patent no. 6,049,022. The line 4 of claim 1 becomes

“a second impact cushioning strip with non-slip surface, which comprises a flexible, non-self-adhering material, overlying.....”

instead of

“a second impact cushioning strip overlying.....”

The same changes are made for line 4 of old claims 14 to 16 (new claims 12 to 14) also. Moreover, same changes are made for old claims 19 and 21 (new claims 17 and 19) but for line 5.

Note: Due to the integration of claims 9 and 10 to independent claim 1, old claims 11, 12, and 13 (new claims 9, 10, and 11) will refer to claim 1 instead of claim 10 as presented in the previous paper work. Moreover, new claims 15 and 16 will refer to claim 14 due to the same reason.

Responses to claim rejections (detailed action 13):

Claims 1, 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being un-patentable over U.S. Patent Application Publication No. 2002/0052570 A (“Naimer”) (which became 6,573,419 B2 as official granted number). It seems to have some similarities between Naimer’s patent and the current application. However, there are critical differences between them. Through out Naimer’s patent, it is clearly indicated that the second cushioning strip is attached to the **inner** surface of the first self-adhering strip (Coban). The evident can be found in the ABSTRACT section as shown below

“.....an absorbent pad affixed to an **inner** side of a terminal portion or to a terminal end of the self-adhering elastic bandage strip.”

The same evident is also depicted in Fig. 3 of Naimer’s patent. Naimer also pointed out the same evident in the description of the preferred embodiments section.

The current application has the second impact cushioning strip attached to the **outer** surface of the first self-adhering strip. This is depicted in Fig. 6 of the current application. Another critical difference is that Naimer’s patent is for medical use while the current invention is for sport activity. It is also evident that Naimer’s patent can not be used for any other purpose without losing its integrity. Moreover, Naimer’s patent does not include a base material that is non-slip.

It can be concluded that the scope and spirit of Naimer’s patent and the current application are completely different. Since correction 9 shown above already specifies the non-slip base material, used for the second impact cushioning strip attached to the **outer** surface of the first self-adhering strip, no further correction is necessary.

Responses to claim rejections (detailed action 14):

Claim 20 is rejected under 35 U.S.C. 103(a) as being un-patentable over Tseng et al. Since the current application is the continuous part of Tseng et al. U.S. Patent No. 6,049,022 that was granted to same inventors of the current application, some similarities are expected. However, the main difference is material used for the second (outer) strip. The current application is using non-self-adhering material with non-slip surface instead of self-adhering material in U.S. Patent No. 6,049,022. To further differentiate the current application from the granted U.S. patent no. 6,049,022, specify the second (outer) strip as non-slip, non-self-adhering strip. (See correction 10 for details).

Correction 10:

To differentiate the current application from the granted U.S. patent no. 6,049,022, the line 5 of old claim 20 (new claim 18) becomes

“a second impact cushioning strip with non-slip surface, which comprises a flexible, non-self-adhering material, overlying.....”

instead of

“a second impact cushioning strip overlying.....”

Responses to claim rejections (detailed action 15):

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being un-patentable over Tseng et al. Since the current application is the continuous part of U.S. Patent No. 6,049,022 (Tseng et al.) that was granted to same inventors of the current application, some similarities are expected. However, the main difference is material used for the second (outer) strip. The current application is using non-self-adhering material with non-slip surface instead of self-adhering material in U.S. Patent No. 6,049,022. To further differentiate the current application from the granted U.S. patent no. 6,049,022, specify the second (outer) strip as non-slip, non-self-adhering strip. (See correction 11 for details).

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being un-patentable..... in view of U.S. patent No. 5,939,339 (“Delmore et al.”). It seems to have some similarities between Delmore et al. patent and the current application. However, there are critical differences between them. Through out the patent, Delmore et al. patent intends to be used as a medical bandage such as a regular Band-aid by wrapping the absorbent layer around a wound first so that a self-adhering elastic layer will be on top of the absorbent layer. It is also evident that Delmore et al. patent can not be used for any other purpose without losing its integrity. On the contrary, the current invention intends to be used as a sport bandage similar the granted U.S. Patent No. 6,049,022 by wrapping the self-adhering elastic layer around a finger first so that the second non-slip, flexible, non-self-adhering layer will be on top of the self-adhering layer. It is evident that the scope and spirit of Delmore et al. patent and the current application are completely different. To further differentiate the current application from the granted U.S. patent no. 5,939,339 (“Delmore et al.”), specify the second (outer) strip as non-slip, non-self-adhering strip. (See correction 11 for details).

Correction 11:

To differentiate the current application from the granted U.S. patent no. 6,049,022, both line 4 of old claim 22 (new claim 20) and line 4 of old claim 23 (new claim 21) become

“a second impact cushioning strip with non-slip surface, which comprises a flexible, non-self-adhering material, overlying.....”

instead of

“a second impact cushioning strip overlying.....”

Responses to allowable subject matter (detailed action 16):

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Due to correction 9 shown above, old claim 11 becomes new claim 9. Also, as presented in the above responses, the new independent claim 1 has been revised to further differentiate from those references cited in the detailed actions. It appears that no additional change is necessary.

Additional typographic corrections:

1. To line 1 of 1st paragraph in BACKGROUND OF THE INVENTION section:

Remove "s" from "Nos"

2. To line 6 of 3rd paragraph in BACKGROUND OF THE INVENTION section:

The inventor for 5,423089 should be "Chun" not "Joh"

3. To line 14 of 5th paragraph in SUMMARY OF THE INVENTION section:

Remove "s" from "Nos"

Attached are the corrected pages of current application, along with the replacement sheet of figures. I would greatly appreciate it if you could update your records to reflect the corrections for the above patent application.

Thank you for your assistance in this matter.

Yours truly,



Mr. Yung-lung Tseng

Attachments